

CHAPTER I
RULES, REGULATIONS AND PROCEDURES
FOR REGISTERING WATER WELLS AND HOLES

As announced in the October 1985 issue of the LOUISIANA REGISTER, the Rules, Regulations and Procedures, stated herein, were prepared by the Louisiana Department of Transportation and Development, Office of Public Works, hereafter referred to as "Department", which is responsible for registering water wells and holes in Louisiana in accordance with R.S. 38:3091 through 38:3098.8.

The Rules, Regulations and Procedures, stated herein, became effective on November 1, 1985 and preempted the Rules, Regulations and Procedures which had been in effect since July 1, 1975.

SECTION 1.1.0.0.

PURPOSE

The purpose of the Rules, Regulations and Procedures for Registering Water Wells and Holes, stated herein, is to ensure that water wells and holes are properly constructed; to collect, catalog and store water well construction and drilling data; and to gather data on water resources of the state. The data obtained from the registration forms are stored on computer files and are readily available for use by hydrologists, engineers, geologists, drillers and others who are involved in the administration, development, protection, and the wise use of the ground water resources of the state.

SECTION 1.2.0.0

REGISTRATION OF WATER WELLS AND HOLES

COMPLETED ON OR AFTER NOVEMBER 1, 1985

- A) The contractor who drills or constructs a well or hole on or after November 1, 1985 shall be responsible for registering that well or hole by submitting to the Department a completed Water Well Registration Form within thirty (30) calendar days after completing such well or hole. Registration requirements shall apply to all water wells, regardless of yield or use, including but not limited to, public supply, domestic, irrigation/agriculture, power generation, rig-supply, observation, dewatering, monitoring, and heat pump supply wells, as well as test holes, abandoned pilot holes, and heat pump holes. For glossary of terms, refer to Appendix I.

SECTION 1.2.1.0

Exemption From Registration. The following wells and holes shall be exempt from registration requirements:

- Wells producing saline water in connection with oil or gas production
- Driven wells or wells dug by use of hand auger.
- Geotechnical boreholes

SECTION 1.2.2.0.

Water Well Registration Long Form (DOTD-GW-1). Water Well Registration Long Form (DOTD-GW-1) shall be used to register the following types of wells and holes:

- Community public supply wells
- Non-community public supply wells

- Industrial wells
- Irrigation/agricultural wells
- Power generation wells
- Observation wells
- Dewatering wells
- Test holes

A sample copy of the long form and instructions for completing the form are included in Appendix II.

SECTION 1.2.3.0.

Water Well Registration Short Form (DOTD-GW-1S). Water Well Registration Short Form (DOTD-GW-1S) shall be used to register the following types of wells and holes:

- Domestic wells
- Rig-supply wells
- Monitoring wells
- Heat pump supply wells
- Heat pump holes (closed loop system)
- Abandoned pilot holes

A sample copy of the short form and instructions for completing the form are included in Appendix III.

SECTION 1.2.4.0.

Submission of Water Well Registration Forms.

- A) The contractor who drills a well or hole shall complete and submit to the Department the original copy of the Water Well Registration Form within thirty (30) calendar days after each well or hole has been

completed. The owner's copy shall be sent to the owner immediately after completion of the work and the contractor shall retain the contractor's copy for his files.

For registration purposes only, the Department considers a well or hole completed when it is accepted by the owner or when the contractor has moved his equipment from the site, whichever comes first. Acceptance by the owner or removal of equipment from the site by the contractor does not imply, in any way, acceptance or approval by the State of Louisiana. The Department, after inspection of the site and records, can cause the owner and/or the contractor to do whatever additional work is necessary to bring the well or hole up to standards stated in Chapter II. The expense for the additional work shall be borne by the owner and/or the contractor, as the case may be.

- B) For the purpose of registering heat pump holes only, one form (DOTD-GW-1S) per project (site) will suffice. Under item marked "remarks", materials and method used to seal the holes shall be indicated. Description of cuttings, required by Item 12, should be the typical formations encountered at the site.
- C) Registration forms may be submitted to the Department on a monthly basis as long as the 30-day limitation is not exceeded. Forms that are illegible, have incomplete items, lack a sketch or directions to the well, or have not been signed and dated will be rejected by the Department and will be returned to the contractor for correction and resubmittal. It is the responsibility of the contractor to see to it that the submitted registration forms are actually received by the Department.

- D) Each registration form shall be personally signed and dated by the contractor who is responsible for drilling the well or hole. For convenience of the contractor, affidavits filed by the contractor to authorize office personnel to sign forms on his behalf will be accepted by the Department.
- E) Upon receipt of the registration forms, the Department will review and process each form, including field inspection, if necessary, and will assign an identification number to each well after which the well is considered registered. The well data will then be entered into the computerized data file and, upon request, the owner and/or the contractor will be informed of the fact of registration and of the assigned identification number.

SECTION 1.2.5.0.

Copies of Available Data Which Shall be Attached to Registration Forms.

The water well contractor who is responsible for drilling a public supply, industrial or power generation water well or test hole, shall attach to the registration form copies of the following items (if available) for transmittal to the Department

- Electrical log or other borehole geophysical log
- Mechanical analysis of the drill cuttings
- Chemical analysis of the water
- Aquifer test results

SECTION 1.2.6.0.

Registration of Reworked Water Wells.

- A) Registered wells that are reworked (e.g., removing and replacing the screen; redeveloping the well) need not be registered a second time unless the screen setting is altered or a liner is installed inside the original casing. If the registered well, after reworking, obtains water from an aquifer different from that reported on the original registration form, another registration form shall be submitted by the contractor within thirty (30) calendar days after completion of the work.
- B) If an unregistered well is reworked, deepened or changed in any manner or if screen setting is altered, the proper registration form (either DOTD-GW-1 or DOTD-GW-1S) shall be submitted to the Department by the contractor no later than thirty (30) calendar days after the work has been completed.

SECTION 1.2.7.0.

Registration of Sub-Contracted Water Wells. When a water well contractor agrees to construct a water well for a customer but subcontracts the work to another water well contractor, the following registration procedure shall govern:

The sub-contractor who drills the well shall keep an accurate record of the pertinent data to be used in completing the registration form; however, the name and license number of the original contractor must be shown on the upper right-hand corner of the registration form, and it is the original contractor who is responsible for signing and transmitting the form to the Department in

accordance with the procedures outlined in Section 1.2.0.0. The sub-contractor may write his or his company's name and license number at the space designated for "remarks".

SECTION 1.2.8.0.

Registration of Rig-Supply Water Wells. In order to register a rig-supply water well, each registration form must be accompanied by a copy of the "registered" permit plat reflecting the section, township, range and the distances from the section lines to the location of the well (oil, gas, injection, etc.). The plat will be used by the Department to determine the latitude and longitude of the well which will then become the identification number for that rig supply water well. The water well contractor who drilled the water well shall obtain a copy of the plat from the company in charge of the drilling of the oil or gas well (lessee) or from the operator of the oil or gas drilling rig and shall attach it to the registration form for transmittal to the Department. Alternatively, the water well contractor may send the registration form to the lessee with appropriate instructions for them to attach the plat to the registration form and transmit it to the Department.

The lessee or the operator shall furnish the water well contractor with the required plat in a timely manner so that the 30-day limitation for water well registration is not exceeded.

SECTION 1.2.9.0.

Registration of Monitoring Wells. Although construction of monitoring wells for facilities regulated by the Department of Environmental Quality (DEQ) requires approval from that Department prior to construction, they shall be registered with the Department of Transportation and Development, like all

other water wells, as part of the state's effort to catalog well sites and to collect and provide data on the geohydrological system. In order to register a monitoring well, the drilling contractor, in addition to completing all items on Water Well Registration Short Form (DOTD-GW-1S), must also complete the spaces provided for the latitude and longitude of the well location, as well as the section, township and range. The latitude and longitude of the well, which can be determined from the appropriate quadrangle map, is used as the identification number (column 12 to 26) for that monitoring well. Column 26 is used to indicate number of registered wells located within the same latitude and longitude (within 100 feet).

SECTION 1.3.0.0

REGISTRATION OF WATER WELLS

COMPLETED PRIOR TO NOVEMBER 1, 1985

Because many water wells have already been inventoried by the Department, the procedures for registering wells completed prior to November 1, 1985 are dependent on whether or not the wells have been inventoried and their records are available to the Department.

SECTION 1.3.1.0

Registration of Inventoried Water Wells Completed Prior to November 1, 1985 Whose Records Are Available to the Department. The Department will obtain from available data a listing, by owner, of wells and pertinent data. A copy of the list will either be sent to the owner for checking and updating, or will be checked and updated by a representative of the Department with assistance from the owner.

- A) If the list is sent to the owner for checking and updating, the owner shall be responsible for updating the list by indicating the current status of each registered well, by adding wells not on the list, and by indicating wells that have been abandoned. The owner shall then certify the list as current and correct and shall return the list to the Department within thirty (30) calendar days after receiving the list. When the corrected and certified list is received by the Department, the wells added to the list by the owner shall be inventoried and registered by a representative of the Department.
- B) If, in the opinion of the Department, a visit or telephone contact by a representative of the Department is preferable and more convenient to the owner than sending a list of wells, a field visit or telephone contact will be made by a representative of the Department. After the data are verified and the well locations are checked, any well not on the list will be inventoried and registered by the representative of the Department.

Upon request, the owner will be sent an updated listing of registered wells for which he is responsible.

SECTION 1.3.2.0

Registration of Water Wells Completed Prior to November 1, 1985 Which Have Not Been Inventoried and Whose Records Are Not Available to the Department.

- A) All wells used to supply a public water system, regardless of yield, and all other water wells capable of producing more than 50,000 gallons per day, which were constructed on or after July 1, 1975, shall be registered by the owner by completing a water well

registration long form (DOTD GW-1) for each well and sending them to the Department for verification and registration within ninety (90) calendar days after the effective date of these regulations.

- B) The owner may register any uninventoried water well, not covered under item A, by completing an appropriate registration form and sending it to the Department for verification and registration.
- C) The Department's representative may contact the owner to obtain well data and check and verify the location of wells that have not been inventoried and whose records are not on file with the Department. After receiving the pertinent data and locating the wells, the Department will register the wells accordingly.

The owner shall make available any needed data for registering uninventoried wells and shall permit access to the well sites. Upon request, the owner will be informed of the fact of registration and of the assigned identification number.

SECTION 1.4.0.0.

USE OF INFORMATION OBTAINED FROM REGISTRATION FORMS

Information obtained from registration forms will be available to all persons upon request. The well data will be coded and entered into the Department's computerized data file and will be integrated with water well data systems operated by other governmental agencies and research groups, as needed. Copies of the registration forms or computerized listings of the registered wells should fulfill the need of water districts, commissions or other state agencies; thus eliminating the need for a second set of registration forms.

SECTION 1.5.0.0

ENFORCEMENT ACTIONS

Provisions addressing enforcement of this Chapter appear in Louisiana Revised Statute 38:3096, as follows:

A) Whoever knowingly and willingly violates a provision of this chapter, or a rule, regulation or order of the director or a board hereunder, shall be subject to a civil penalty of not more than One Thousand Dollars a day for each day of violation and for each act of violation if a penalty for the violation is not otherwise provided in this chapter.

(1) The place of suit to recover this penalty shall be selected by the director or board, as may be appropriate, in the district court of the parish in which any one of the defendants resides, or in the district court of the parish where the violation took place.

(2) Suit shall be at the direction of the director or board, as may be appropriate, and shall be instituted and conducted in his or its name by the Attorney General or by the District Attorney of the district under the direction of the Attorney General.

B) Whoever knowingly and willfully aids or abets a person in the violation of a provision of this chapter, or in any rule, regulation or order made hereunder shall be subject to the same penalties provided herein for the principal violator.

SECTION 1.5.1.0.

Falsification of Documents. Falsification of documents to evade regulations, as well as penalties for said falsifications, appears in Louisiana Revised Statute 38:3095 as follows:

A) No person shall, for the purpose of evading this chapter or any rule, regulation or order made thereunder:

- (1) Make, or cause to be made, any false entry or statement of fact in any report required to be made by this chapter, or by any rule, regulation or order made hereunder; or
- (2) Make, or cause to be made, any false entry in an account, record or memorandum kept by any person in connection with the provisions of this chapter or of any rule, regulations or order made thereunder; or
- (3) Remove out of the jurisdiction of the state or destroy or mutilate, alter, or by any other means, falsify any book, record, or of the paper pertaining to the matters regulated by this chapter, or by any rule, regulation or order made thereunder.

B) Whoever violates this section shall be fined not more than Five Thousand Dollars or imprisoned not more than six months or both.

The penalty provision for falsification of documents required under the provisions of this chapter are therefore criminal in nature and will be enforced through the district attorney having jurisdiction where said violation occurs. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud), and such violations will be referred to the appropriate United States Attorney.

SECTION 1.5.2.0.

Appeals. An alleged violator may appeal any order of the Department by requesting a hearing. The hearing request must be made to the Department, in writing, within thirty (30) calendar days of the original order and must be sent by "Certified Mail -- Return Receipt Requested". After receiving the request, the Department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

